

REMARKS

After the foregoing amendment, claims 8-13, and 17-20 are presently pending in the application.

Claim 1-7 have been canceled without prejudice. Claims 8 and 18 are amended to more particularly claim the subject matter. The inserted phrase “the display housing being receivable and supportable by a rear-mounted support stand” is supported at least by the recitation of “a rear-mounted support stand configured to receive and support the display housing” in the original claim 8. Additional support for this phrase can be found, for example, from Figs. 3, 4 and 6. The inserted phrase “the flatscreen touchscreen display providing a reduced depth flatscreen display” is supported by the specification, at least at page 4, lines 5-7.

New claims 19 and 20 are added to claim the subject matter Applicant considered as the invention at various scopes. They are supported at least by the specification, for example, at page 4, line 5.

It is respectfully submitted that the amendments made herein are supported by the specification and the original claims and introduce no new subject matter.

Applicant Requested Interview

Applicant requests an interview prior to formal action to this response. An “Applicant Initiated Interview Request Form” accompanies this response. Please contact Applicant’s undersigned representative to schedule the interview.

Claim Rejections Under 35 U.S.C. §103(a)

Rejections over Heidel in view of Malick

The Examiner has rejected claims 1-6, 8-12 and 18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,342,047 (“Heidel”) in view of U.S. Patent Number 4,669,694 (“Malick”).

Without acquiescing to the Examiner's reasoning, claims 1-6 are now canceled solely for the purpose of advancing prosecution. The cancellation renders the rejection of claims 1-6 moot.

Applicant respectfully traverses the rejection of claims 8-12 and 18, after entry of the present claim amendment, for at least the following reasons.

After entry of the present claim amendment, claims 8 and 18 are the only pending independent claims. They both recite, *inter alia*,

A flatscreen touchscreen amusement device comprising:

a display housing...being receivable and supportable by a rear-mounted support stand;

a flatscreen touchscreen display...providing a reduced depth flatscreen display;...and

the rear-mounted support stand configured to receive and support the display housing...

[underline emphasis added to the claim language]

Heidel and Malick, taken alone or in combination, fail to disclose or suggest a flatscreen touchscreen amusement device having a display housing that is receivable and supportable by a rear-mounted support stand; a flatscreen touchscreen display that provides a reduced depth flatscreen display; and the rear-mounted support stand configured to receive and support the display housing.

The Examiner alleges that Applicant's previous arguments for claims 8-12 and 18 that there is no suggestion to combine the references were unpersuasive, because Applicant failed to give any patentable weight to the rear-mounted support stand. Thus, the Examiner considers the rear-mounted support stand an obvious design choice, and as such, it would have been obvious for one skilled in the art to combine the invention of Heidel with the rear-mounted support stand of Malick to incorporate this design feature.

Applicant respectfully submits that the prior art traditional display housing of Heidel is boxy and bulky, thus could not possibly be supported by a rear-mounted support stand. The

combination simply could not work together, as suggested by the Examiner for their respective intended purposes. A rear-mounted support stand for a display housing is patentably significant for a flatscreen touchscreen amusement device of the instant claims, because the use of such a stand became possible only when Applicant reduced the depth, bulkiness and the overall footprint of the display housing to make it receivable and supportable by such a rear-mounted support stand. The rear-mounted support stand makes an amusement device have a smaller footprint than traditional amusement devices, such as that disclosed in Heidel. To convey this reasoning more clearly, claims 8 and 18 are amended to clearly indicate that the display housing is receivable and supportable by a rear-mounted support stand.

Neither of Heidel and Malick discloses a display housing for a flatscreen touchscreen amusement device that is receivable and supportable by a rear-mounted support stand. Heidel discloses a touchscreen amusement device. The display housing of the amusement device in Heidel is a traditional bulky and box-like self supporting cabinet, which cannot and need not be received and supported by a rear-mounted support stand, it is clearly a floor standby device. Although Malick discloses a tilt adjusting apparatus for adjusting the tilt angle of a flatscreen visual display terminal, it does not disclose or suggest any amusement device or the use of a flatscreen display terminal in an amusement device. Thus Malick fails to compensate for the deficiency of Heidel.

Accordingly, Heidel in view of Malick fails to render the amended claims 8 and 18, and dependent claims 9-12, *prima facie* obvious.

Claims 8-12 and 18 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick further because the references fail to disclose or suggest a flatscreen touchscreen display for a flatscreen amusement device that provides a reduced depth flatscreen display.

In response to Applicant's previous arguments that claims 8 and 18 are not *prima facie* obvious, the Examiner alleges that flatscreen is a rather generic term and that CRT monitors can be flatscreen display devices. The Examiner now retrieves his prior admission that Heidel does not use a flatscreen or teach a flatscreen, and takes a different position suggesting that a "CRT is but one example of a flatscreen."

Without acquiescing to the Examiner's reasoning, claims 8 and 18 are amended to recite that the flatscreen touchscreen display provides a reduced depth flatscreen display. CRT screens have much deeper cabinets compared to a flat panel screen, such as a LCD screen, for a given area. The bulkiness of a CRT is the main reason why CRT televisions are now being quickly displaced by flat panel televisions. The CRT is typically bowl-shaped, not flat. Flat screen CRTs are exceptions that require sophisticated electronics to create an undistorted picture free from keystoneing, i.e., the appearance of image as a horizontal trapezoid or the shape of an architectural keystone, and the like. Nothing in Heidel suggests the use of such a flat screen CRT as the flatscreen display for the touchscreen amusement device, and clearly there is nothing in Heidel that suggests a "reduced depth" flatscreen display. Malick fails to compensate for the deficiency of Heidel, because Malick does not disclose or suggest any amusement device or the use of a flatscreen display terminal in an amusement device.

For reasons discussed above, Applicant respectfully submits that claims 8-12 and 18 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick. Applicant therefore respectfully requests that the rejection of claims 8-12 and 18 under 35 U.S.C. §103(a) be withdrawn.

Applicant also respectfully submits that new claims 19 and 20 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, because they depend from claims 8 and 18, respectively.

Rejection over Heidel in view of Malick and further in view of Kaminkow

The Examiner has rejected claims 7, 13 and 17 under 35 U.S.C. §103(a) as being unpatentable (obvious) over Heidel in view of Malick, and further in view of U.S. Patent Application Publication Number 2004/0023708 ("Kaminkow").

Without acquiescing to the Examiner's reasoning, claim 7 is now canceled solely for the purpose to advance prosecution. The cancellation renders the rejection of claim 7 moot. Applicant expressly reserves the right to pursue the subject matter of claim 7 in a continuation application.

Applicant respectfully traverses the rejection of claims 13 and 17, after entry of the present claim amendment, for at least the following reasons.

As discussed above, claim 8 is not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick. Therefore, Applicant respectfully submits that claims 13 and 17 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, because they depend from claim 8 including additional specific features than claim 8. Kaminkow fails to compensate for the deficiencies of Heidel and Malick.

The Examiner cited Kaminkow to support the notion that “it was notoriously well known in the art at the time [of] invention that LCDs were being employed in touch screen gaming devices.” However, using LCDs in an amusement device is not equivalent to having a display housing for the amusement device at reduced depth and footprint, which is supportable and receivable by a rear-stand support. Kaminkow’s display housing is the prior art boxy and bulky cabinet type (Fig. 1A and 1B). It includes many additional components such as a plurality of reels, a play button, a bet one button, a cash out button, a coin slot, and a bill acceptor. Such a display housing cannot and need not be received and supported by a rear-mounted support stand. Thus, Kaminkow does not compensate for the deficiencies of Heidel and Malick to render claim 8, thus its dependent claims 13 and 17, *prima facie* obvious.

For reasons discussed above, Applicant respectfully submits that claims 13 and 17 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, and further in view of Kaminkow. Applicant therefore respectfully requests that the rejection of claims 13 and 17 under 35 U.S.C. §103(a) be withdrawn.

Applicant also respectfully submits that new claims 19 and 20 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, and further in view of Kaminkow, because they depend from claims 8 and 18, respectively.

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Conclusion

It is respectfully submitted that the present application, including currently pending claims 8-13, 17-20, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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(Date)

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